

Senate File 2188 - Introduced

SENATE FILE _____
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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing time off from work to attend presidential
2 precinct caucuses and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5790XS 82
5 ec/nh/8

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1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (4) As an employer, denying an employee
1 5 the privilege conferred by section 43.4A to attend a precinct
1 6 caucus, or subjecting an employee to a penalty because of the
1 7 exercise of that privilege.
1 8 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 9 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.
1 10 1. Any person entitled to participate in a precinct caucus
1 11 held as part of the presidential nominating process in this
1 12 state who is required to be present at work for an employer
1 13 during the four-hour period starting one hour prior to the
1 14 time the precinct caucus starts is entitled to take unpaid
1 15 leave for as much of that four-hour period as is necessary to
1 16 participate in the precinct caucus except as provided by this
1 17 section. Application by any employee for such absence shall
1 18 be made to the employee's employer individually and in writing
1 19 at least seventy-two hours prior to the time the precinct
1 20 caucus is scheduled to start. The employee shall not be
1 21 liable for any loss of wages or salary or any other penalty
1 22 except for the loss of wages or salary for the hours of unpaid
1 23 leave actually used.
1 24 2. a. An application for an absence by an employee may be
1 25 denied by an employer if all the following circumstances
1 26 exist:
1 27 (1) The person is employed in an emergency services
1 28 position which shall include peace officer, fire fighter,
1 29 emergency medical personnel, and any other position that
1 30 seriously affects public health or safety.
1 31 (2) The employer filed a written notice with the
1 32 commissioner at least seven days prior to the date of the
1 33 precinct caucus specifying exigent circumstances justifying
1 34 the denial of such leave for emergency services personnel and
1 35 declaring the minimum number of emergency services personnel,
2 1 by position, needed to protect public health and safety. A
2 2 copy of this written notice shall be provided to employees of
2 3 the employer.
2 4 (3) The number of persons employed in a position that did
2 5 not apply for an absence is less than the minimum number of
2 6 persons in that position needed by the employer to protect
2 7 public health and safety.
2 8 b. If the circumstances in paragraph "a" exist as to a
2 9 particular position of the employer, then the employer may
2 10 deny the minimum number of employees applying for an absence
2 11 in that position needed to yield the minimum staffing level
2 12 for that position as specified in the written notice to the
2 13 commissioner. The selection of which employees applying for
2 14 an absence shall be denied shall be made without regard to
2 15 political party affiliation, political belief, or affiliation
2 16 with or support for any candidate, or for any of the grounds

2 17 for which employment discrimination is prohibited in this
2 18 state.
2 19 3. An employer may, in lieu of providing unpaid leave to
2 20 affected employees to attend a presidential precinct caucus,
2 21 do any of the following:
2 22 a. Authorize paid leave to all affected employees.
2 23 b. Allow all affected employees the option to work
2 24 additional compensatory hours, at a time designated by the
2 25 employer not in conflict with the time needed for caucus
2 26 participation, equal in number to the number of hours taken to
2 27 participate in the presidential precinct caucus. The option
2 28 of working compensatory hours may be exercised individually by
2 29 each employee. Work done during the compensatory hours shall
2 30 be compensated in the same manner as work during regular
2 31 hours.

2 32 EXPLANATION

2 33 This bill provides that a person shall be entitled to
2 34 unpaid time off from work to attend a presidential precinct
2 35 caucus for up to four hours beginning one hour prior to the
3 1 start of the precinct caucus. The bill provides that the
3 2 employee shall make a written application with their employer
3 3 for such absence and the employee is not liable for any
3 4 penalty nor shall any deduction be made from the person's
3 5 regular salary or wages except for the period of time of the
3 6 absence. The bill provides that the requirement to allow time
3 7 off does not apply if the person is employed in an emergency
3 8 services position, the employer files a written notice with
3 9 the county commissioner of elections specifying the exigent
3 10 circumstances justifying the denial of such leave and the
3 11 minimum number of persons needed, by position, to protect
3 12 public health and safety, the number of persons not applying
3 13 for leave is less than the minimum number specified by the
3 14 employer, and the denial of leave for those number of persons
3 15 needed to reach the minimum staffing number specified is done
3 16 in a nondiscriminatory manner.

3 17 The bill also permits an employer to provide paid leave for
3 18 the absence or to allow affected employees the option to work
3 19 the hours of the absence at such other time so long as either
3 20 option is made available to all affected employees.

3 21 The bill provides that an employer who denies an employee
3 22 the privilege conferred by this bill to attend a presidential
3 23 precinct caucus commits election misconduct in the fourth
3 24 degree, a simple misdemeanor. A simple misdemeanor is
3 25 punishable by confinement for no more than 30 days or a fine
3 26 of at least \$65 but not more than \$625 or by both.

3 27 LSB 5790XS 82

3 28 ec/nh/8.3